

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

IN ADMIRALTY
MIAMI DIVISION

CASE NO.: 1:22-CV-22645-KMM

NIMBUS BOAT RENTAL, CORP,

CRISTIAN VALDES and

ELAINE LEYVA

Plaintiffs,

v.

**F/V NIRVANA; a 2005, 105 ft. RODMAN,
her engines, boats, tackle, apparel, and furnishings,
Hull Number DLZ138521512 *IN REM* and
ANGEL GARCEL, individually &
JET SKIS IN MIAMI, CORP. *IN PERSONAM*
Defendants.**

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**EMERGENCY HEARING REQUEST ON PLAINTIFFS' MOTION FOR ORDER
DIRECTING CLERK ISSUE
WARRANT OF ARREST *IN REM*
(EMERGENCY HEARING REQUESTED)**

Plaintiffs, Nimbus Boat Rental, Corp., (hereinafter referred to as "Nimbus") Cristian Valdes (hereinafter referred to as "Valdes") and Elaine Leyva (hereinafter referred to as "Leyva"), collectively also referred to as "Plaintiffs", by and through their undersigned attorneys and pursuant to applicable Federal and Local Rules of Civil procedure and Local Admiralty Rules, hereby file this their Emergency Hearing Request on Plaintiffs' Motion for Order Directing Clerk Issue Warrant of Arrest In Rem and further state:

1. On or about August 19, 2022, Plaintiffs filed its Motion for Order Directing Clerk Issue Warrant of Arrest *In Rem* [DE 8 1-2] along with their Verified Complaint [DE 1].
2. The Plaintiffs hereby fully incorporate all of the sworn allegations set forth in the Verified Complaint as if set forth herein.

3. Plaintiffs are concerned that based on the *prima facie* evidence attached to the Verified Complaint that the vessel is subject to concealment, removal from the Court's jurisdiction and or waste.
4. Plaintiffs have attached evidence that reveals that the Defendants are actively seeking to sell the vessel and are using it to operate a passenger charter operation without any legal authority or consent whatsoever.
5. Plaintiffs have also attached documentation from Miami Dade County, Circuit Criminal Court which indicates the artifice, scheme and fraud implemented to secure a "duplicate title".
6. Absent Court intercession, the Defendants are using this fraudulently obtained title to operate the vessel and otherwise maintain unlawful control and dominion over the subject vessel.
7. Without a Court Order, for the reasons set forth herein and in the Verified Complaint, the vessel, passengers and others are in peril.

WHEREFORE, Plaintiffs, pursuant to Rule C (3), Supplemental Rules of Certain Admiralty and Maritime Claims, request this Court to enter and Order directing the Clerk to issue the Warrant of Arrest *In Rem* against the "Nirvana" her boats, engines, tackle equipment, apparel, furnishings, freights and appurtenances, etc., located at the Alexander Condominium Marina, 52nd and Collins Avenue, Miami Beach, FL 33140.

CERTIFICATE OF EMERGENCY

Pursuant to Local Admiralty Rule C (2) (b) Plaintiffs counsels certify that the application is compelled because of exigent circumstances.

Respectfully submitted,

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I hereby certify that on August 19, 2022, I served all counsel of record by electronically filed the foregoing with the Clerk of the Court.

/s/ Robert N. Pelier
Robert N. Pelier, Esq.